

A. On or about July 1, 1998, a release of approximately 343 pounds of sulfuric acid mist occurred at Respondent's acid circulating pump at the Shreveport Sulfuric Acid Plant. According to the July 9, 1998 report, preliminary investigations indicated that a false oil level was observed on the turbine governor during startup attempts. After the incident, it was determined the governor did not have sufficient oil to sustain normal operations of the pump turbine. According to the July 30, 1998 report, the governor was cracked, which allowed oil to leak, and the "bulls-eye" type sight glass was found to be discolored, which led personnel to misread the oil level. This is a violation of the Louisiana Air Quality Regulations, in particular LAC 33:III.905, which states, "When facilities have been installed on a property, they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded." Control equipment as defined by LAC 33:III.111 is "any device or contrivance, operating procedure or abatement scheme used to prevent or reduce air pollution." This also constitutes a violation of Section 2057(A) (2) of the Act.

III.

On December 4, 1998, a Penalty Notice in the amount of \$20,000.00, together with legal interest as allowed by law and all costs of bringing and prosecuting the enforcement action, was issued to Respondent and, in response thereto, Respondent made a timely request for a hearing.

IV.

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V.

Nonetheless, the Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of \$20,000.00 in settlement of the claims set forth in this agreement.

VI.

Respondent further agrees that the Department may consider the inspection report(s), the Penalty Notice, and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department and in any such action the Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII.

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act.

VIII.

The Respondent has caused a public notice advertisement to be placed in .

the official journal of the parish governing authority in Parish as well as a newspaper of general circulation in that parish. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

IX.

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Penalties are to be made payable to the Department of Environmental Quality and mailed to the attention of Darryl Serio, Office of Management and Finance, Department of Environmental Quality, Post Office Box 82231, Baton Rouge, Louisiana, 70884-2231.

X.

In consideration of the above, the claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

WITNESSES:

Barbara Handley

Lu Ann Frederick

RESPONDENT

BY: B. Hubbard

TITLE: Director of Manufacturing

THUS DONE AND SIGNED before me this 5th day of February 19 99, in Atchafalaya, Louisiana.

Annette N. Patten
NOTARY PUBLIC

WITNESSES:

STATE OF LOUISIANA
J. Dale Givens, Secretary
Dept. of Environmental Quality

Doree Roy

Shirley L.

BY: R. Bruce Hammett
R. Bruce Hammett Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED before me this 18 day of July, 2008, in Baton Rouge, Louisiana.

Dianne B. Little
NOTARY PUBLIC
Dianne B. Little

APPROVED:

R. Bruce Hammett
Assistant Secretary
Office of Env. Compliance